THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.6320 of 2007

29-03-2007

Between:-

Sri Manoharlal

Petitioner

And

The Chief Rationing Officer,
Twin cities at S.P. Road,
Secunderabad and three others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.6320 of 2007

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner is the dealer in essential commodities having a license under the provisions of the Andhra Pradesh Scheduled Commodities Dealers (Licensing and Distribution) Order, 1982 (for short 'the Control Order, 1982). On 17-02-2007 his premises were inspected and extensive variations were noticed between the ground balance of the stocks of pulses and the balance as reflected in the stock registers. On a *prima facie* assumption of violation of the provisions of the Control Order, 1982, a case under Section 6A of the Essential

Commodities Act, 1955 (for short 'the Act') has been initiated against the petitioner.

By an order dated 16-03-2007, the second respondent has passed the impugned order suspending the license of the petitioner, exercising the power under Condition No.8 (1) of the Conditions of the License issued under the Control Order, 1982. Such a power the second respondent has. It is not in dispute that he is the competent authority. There is a *prima facie* recording of the existence of extensive variations and therefore of a misconduct in pursuit of the licensed business. The order is one of suspension pending enquiry. Therefore there are no grounds justifying interference with what is merely an order of suspension pending inquiry. There are no merits. The writ petition is accordingly dismissed.

As the petitioner's license has been suspended, it is just and proper that the competent authority should conclude the substantive enquiry into the allegations that led to the impugned order of suspension pending enquiry, expeditiously.

In the aforesaid circumstances the respondents are directed to expeditiously and in any event within a period of sixty (60) days from the date of receipt of a copy of this order, conclude the substantive enquiry against the petitioner. The reasoned order of the competent authority shall be communicated to the petitioner within the aforesaid time. No costs.

GODA RAGHURAM, J

Dated:29-03-2007
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